

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	emueller 09/10/2008	bkraft 09/23/2008	rschluet 09/23/2008	_____	cduerst 09/23/2008		
/P2	emueller 06/04/2009	bkraft 06/04/2009	phenry 06/04/2009	_____	cduerst 06/04/2009		
/P3	emueller 08/03/2009	bkraft 08/10/2009	jfrantze 08/11/2009	_____	sbasford 08/11/2009		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	emueller 08/26/2009	bkraft 08/26/2009	rschluet 08/26/2009	_____	lparisi 08/26/2009	lparisi 09/15/2009	

FE Sent For:

<END>

↳ Not
Needed

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	emueller 09/10/2008	bkraft 09/23/2008	rschluet 09/23/2008	_____	cduerst 09/23/2008		
/P2	emueller 06/04/2009	bkraft 06/04/2009	phenry 06/04/2009	_____	cduerst 06/04/2009		
/P3	emueller 08/03/2009	bkraft 08/10/2009	jfrantze 08/11/2009	_____	sbasford 08/11/2009		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	emueller 08/26/2009	bkraft 08/26/2009	rschluet 08/26/2009	_____	lparisi 08/26/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:


Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	emueller 09/10/2008	bkraft 09/23/2008	rschluet 09/23/2008	_____	cduerst 09/23/2008		
/P2	emueller 06/04/2009	bkraft 06/04/2009	phenry 06/04/2009	_____	cduerst 06/04/2009		
/P3	emueller 08/03/2009	bkraft 08/10/2009	jfrantze 08/11/2009	_____	sbasford 08/11/2009		

/1
ECM
8/26/09
/1bjk 8/26


FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	emueller 09/10/2008	bkraft 09/23/2008	rschluet 09/23/2008	_____	cduerst 09/23/2008		
/P2	emueller 06/04/2009	bkraft 06/04/2009	phenry 06/04/2009	<i>JA 8</i> <i>ym 11</i>	cduerst 06/04/2009		

/P3 EVM

FE Sent For: *8/3/09*

/P3 bjk 8/10

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	emueller 09/10/2008	bkraft 09/23/2008	rschluet 09/23/2008	_____	cduerst 09/23/2008		

/P2
 FE Sent For: *EVM 6/2/09* /P2 *bjk 6/4* *ph 6/21* *ph 6/21* *END*

2009 DRAFTING REQUEST

Bill

Received: **09/02/2008**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith 266-0660**

By/Representing: **Nathan Williams**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **eric.mueller@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Use of cell phone and text messaging while driving

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller	/Pl bjk 9/23		_____			

FE Sent For:

<END>

Mueller, Eric

From: Gary, Aaron
Sent: Thursday, August 28, 2008 4:15 PM
To: Mueller, Eric
Subject: New request - cell phones

Eric,

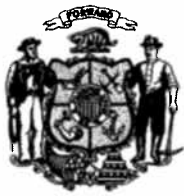
Per our conversation, on Aug. 26, I received a request from Nate in Rep. Jeff Smith's office for a bill draft. The draft would:

1. Prohibit anybody age 18 or under from talking on a cell phone while driving.
2. Prohibit those over age 18 from talking on a cell phone while driving unless the person uses a hands-free device.
3. Prohibit anybody from text messaging while driving, regardless of age.

You can enter the request on Tuesday, after the computer change over. If you need help entering it, let me know.

Let's talk about this sometime before you get started drafting.

Thanks. Aaron



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0023/P1 ✓

EVM:.....

Lbjk

9/10

DW

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

SA ✓
x-ref ✓

gen. cat.

1 AN ACT ...; relating to: driving a motor vehicle while using a cellular telephone ✓
2 or electronic text message device and providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not > less than \$20 nor more than \$400. ✓

This bill prohibits a person from using a cellular telephone or an electronic text messaging device while driving. An exception to the prohibition on using a cellular telephone while driving is provided for those who have attained at least 19 years of age and are using a hands-free cellular telephone. A person found guilty of violating > this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 346.89 (3) of the statutes is created to read: ✓ ✓ ✓

4 ✓ 346.89 (3) (a) In this subsection: ✓

5 1. "Drive" has the meaning given in s. 343.305 (1) (b). ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB 09-0023/dn ^{upl}
EVM:.....
Lbjk

Date

ATTN: Nathan Williams

Please review the attached draft carefully to ensure that it is consistent with your intent. I am providing a list of potential issues that may require additional clarification or change depending upon your intent in requesting this draft. ✓

1. I have applied the current penalty for generic inattentive driving to the new prohibitions. Please let me know if you desire a different penalty. ✓
- > 2. I have not provided any exceptions for emergency situations or for operators of emergency vehicles in this draft. Please let me know if you would like any such exceptions added. ✓
3. Your instructions specifically referred to cell phones. I have, therefore, prepared this draft using the term cellular telephone. If you would like this draft to have a broader reach please let me know. For example, 2007 SB 442 proposed prohibiting the use of cellular telephones and other wireless telecommunications devices while operating a school bus. "Wireless telecommunications device" was defined to include two-way radios, CB radios, and, generally, other devices being used to transmit verbal communications. ✓
4. The definition I used in the prohibition of text messaging while driving was taken from 2007 SB 355. Please review the definition to ensure that it meets with your intent. ✓
- > 5. Due to current statutory cross-references in ~~§§~~^{§ 5.} 346.02(10) and (11), the provisions of this draft would apply to snowmobiles and ATVs being operated on roadways. Please let me know if you do not intend for these vehicles to be covered by the draft. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0023/P1dn

EVM:bjk:rs

September 23, 2008

ATTN: Nathan Williams

Please review the attached draft carefully to ensure that it is consistent with your intent. I am providing a list of potential issues that may require additional clarification or change depending upon your intent in requesting this draft.

1. I have applied the current penalty for generic inattentive driving to the new prohibitions. Please let me know if you desire a different penalty.
2. I have not provided any exceptions for emergency situations or for operators of emergency vehicles in this draft. Please let me know if you would like any such exceptions added.
3. Your instructions specifically referred to cell phones. I have, therefore, prepared this draft using the term cellular telephone. If you would like this draft to have a broader reach please let me know. For example, 2007 SB 442 proposed prohibiting the use of cellular telephones and other wireless telecommunications devices while operating a school bus. "Wireless telecommunications device" was defined to include two-way radios, CB radios, and, generally, other devices being used to transmit verbal communications.
4. The definition I used in the prohibition of text messaging while driving was taken from 2007 SB 355. Please review the definition to ensure that it meets with your intent.
5. Due to current statutory cross-references in s. 346.02 (10) and (11), the provisions of this draft would apply to snowmobiles and ATVs being operated on roadways. Please let me know if you do not intend for these vehicles to be covered by the draft.

Please let me know if you would like any changes made to the attached draft or if you have any questions.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

N111 5/5 4:00 pm meeting w/ Rep. Smith

SB 442

- exempt emergency ^{1.} SAs or emergency veh. ^{2.}

- use "wireless communication" 2007 SB 442

See Leg. Counsel Memo on SA1

- don't include deletions - if other unit
to amend they can.

- tie restriction to instructional + probationary permits
+ under 18

- leave in cross-ref that applies this to
Snowmobiles + ATVs



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2007 Senate Bill 442

Senate Amendment 1

Memo published: March 7, 2008

Contact: Russ Whitesel, Senior Staff Attorney (266-0922)

Senate Bill 442 generally prohibits a person operating a school bus or other vehicle transporting pupils from using a cellular telephone or other wireless telecommunications device while the school bus or other vehicle is on the roadway or loading or unloading passengers.

The bill defines “wireless communication device” to mean:

...any two-way radio or citizens band radio or any personal digital assistant or other device while being used by the device’s operator and transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device’s operator, but does not include any global positioning system device installed in or on a vehicle.

Senate Amendment 1 *deletes* from this definition the term “any two-way radio or citizens band radio” and explicitly provides that the definition does not apply to any two-way radio or citizens band radio.

Legislative History

Senate Bill 442 was introduced by Senator Carpenter and others; cosponsored by Representative Kerkman and others and referred to the Senate Education Committee. Senator Carpenter introduced Senate Amendment 1 on March 6, 2008.

The Senate Education Committee recommended adoption of Senate Amendment 1 on a vote of Ayes, 7; Noes, 0. The committee recommended passage of the bill on a vote of Ayes, 5; Noes, 2 on March 6, 2008.

RW:jal



State of Wisconsin
2009 - 2010 LEGISLATURE

102
LRB-0023/P1
EVM:bjk:rs
Stay
RMR

Inserts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 6/4/09

SA
Inserts

repen

- 1 AN ACT *to amend* 346.95 (2); and *to create* 346.89 (3) of the statutes; relating
- 2 to: driving a motor vehicle while using a cellular telephone or electronic text
- 3 message device and providing a penalty. wireless telecommunications device
wireless telecommunications device

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

INS
Analysis

This bill prohibits a person from using a cellular telephone or an electronic text messaging device while driving. An exception to the prohibition on using a cellular telephone while driving is provided for those who have attained at least 19 years of age and are using a hands-free cellular telephone. A person found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 SECTION 1. 346.89 (3) of the statutes is created to read:
- 5 346.89 (3) (a) In this subsection:
- 6 1. "Drive" has the meaning given in s. 343.305 (1) (b).

insert 2-1

1
2
3
4
5
6
7
8

2. "Electronic text messaging device" means any electronic device, including a cellular telephone, personal digital assistant, or portable or mobile computer while being used for purposes of text communication, that is capable of receiving or transmitting a text message, electronic mail, or other text communications to one or more other persons, but does not include any device whose primary function is transmitting emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.

ins. 2-9

9
10
11

(b) Except as provided in par. (c), no person may drive a motor vehicle while using a cellular telephone or while viewing, transmitting information into, or otherwise operating an electronic text messaging device.

wireless telecommunications
wireless telecommunications
device unless any of the following applies:

12
13

(c) A person may drive a motor vehicle while using a cellular telephone if all of the following apply:

ins 2-14

14

1. The person has attained 19 years of age.

ins 2-15

15
16
17
18

2. The motor vehicle is equipped with a cellular telephone that allows the person to talk and listen without holding the telephone or any handset or receiver and the person does not hold or touch any telephone or handset or receiver while driving the motor vehicle.

SECTION 2. 346.95 (2) of the statutes is amended to read:

346.95 (2) Any person violating s. 346.89 (1) or (3) or 346.94 (2), (4) or (7) may be required to forfeit not less than \$20 nor more than \$400.

SECTION 3. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

1 **INS-Analysis**

Q This bill prohibits a person who holds a probationary license or an instruction permit and who is under 18 years of age from using a wireless telecommunications device while driving. A “wireless telecommunications device” is defined as any two-way radio or citizens band radio or any personal digital assistant or other device while being used by the device’s operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device’s operator, but does not include any global positioning system device installed in or on a vehicle. Exceptions to the prohibition are provided for use of a wireless telecommunications device in response to an emergency or by an operator of an authorized emergency vehicle. A person found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

2 **INS 2-1**

NO Q “Wireless telecommunications device” means any two-way radio or citizens band radio or any personal digital assistant or other device while being used by the device’s operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device’s operator, but does not include any global positioning system device installed in or on a vehicle.

9 **INS 2-9**

NO Q who holds a probationary license issued under s. 343.085 or an instruction permit issued under s. 343.07 and who is under 18 years of age

12 **INS 2-14**

NO Q The person is using the wireless telecommunications device in response to an emergency.

15 **INS 2-15**

- 1 ~~NO~~ The person using the wireless telecommunications device is an operator of an
- 2 authorized emergency vehicle.



State of Wisconsin
2009 - 2010 LEGISLATURE

1P3
LRB-0023/P2
EVM:bjk:ph

stays
RMR

Note

Inserts

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

8/3/09

SA

regr.

- 1 AN ACT to amend 346.95 (2); and to create 346.89 (3) of the statutes; relating
- 2 to: driving a motor vehicle while using a wireless telecommunications device
- 3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person who holds a probationary license or an instruction permit and who is under 18 years of age from using a wireless telecommunications device while driving. A "wireless telecommunications device" is defined as any two-way radio or citizens band radio or any personal digital assistant or other device while being used by the device's operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator, but does not include any global positioning system device installed in or on a vehicle. Exceptions to the prohibition are provided for use of a wireless telecommunications device in response to an emergency or by an operator of an authorized emergency vehicle. A person

Insert
- Analysis

also

cellular
telephone

found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 346.89 (3) of the statutes is created to read:

2 346.89 (3) (a) In this subsection:

3 1. "Drive" has the meaning given in s. 343.305 (1) (b).

cellular telephone ↑

4 2. "Wireless telecommunications device" means any two-way radio or citizens
5 band radio or any personal digital assistant or other device while being used by the
6 device's operator to transmit verbal communications, electronic mail, text messages,
7 or any other electronic communication to one or more persons not physically present
8 with the device's operator, but does not include any global positioning system device
9 installed in or on a vehicle.

10 (b) No person who holds a probationary license issued under s. 343.085 or an
11 instruction permit issued under s. 343.07 and who is under 18 years of age may drive
12 a motor vehicle while using a wireless telecommunications device unless any of the
13 following applies:

14 1. The person is using the wireless telecommunications device in response to
15 an emergency.

16 2. The person using the wireless telecommunications device is an operator of
17 an authorized emergency vehicle.

18 **SECTION 2.** 346.95 (2) of the statutes is amended to read:

19 346.95 (2) Any person violating s. 346.89 (1) or (3) or 346.94 (2), (4) or (7) may
20 be required to forfeit not less than \$20 nor more than \$400.

21 **SECTION 3. Effective date.**

Insert
2-13

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0023/P3ins
EVM:bjk:ph

1 INSERT 1-Analysis

 ¶ An exception is provided for a person who uses a wireless telecommunications device that allows the person to talk and listen without holding the device or any handset or receiver and the person does not hold or touch any device or handset or receiver while driving the motor vehicle. This exception does not apply to a person who holds a probationary license or an instruction permit and who is under 18 years of age.

2

3 INSERT 2-13

4 ¶ 1. The person is using a wireless telecommunications device that allows the
5 person to talk and listen without holding the device or any handset or receiver and
6 the person does not hold or touch any device or handset or receiver while driving the
7 motor vehicle. This subdivision does not apply to a person who holds a probationary
8 license issued under s. 343.085 or an instruction permit issued under 343.07 and who
9 is under 18 years of age.

 (5)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

~~not quite under~~
7/27 Andrea

0023

- no one can use cell phone unless hands free

- hands free exception - does not apply to ~~the~~
cell phone prob instr + under 18

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0023/P3dn

EVM:bjk:ph

Lstays

Date

ATTN: Andrea Wahl

I made the changes you requested. In addition, I added an express reference to cellular telephones in the definition of "wireless telecommunications device" to avoid any potential ambiguity.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0023/P3dn
EVM:bjk:jf

August 11, 2009

ATTN: Andrea Wahl

I made the changes you requested. In addition, I added an express reference to cellular telephones in the definition of "wireless telecommunications device" to avoid any potential ambiguity.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

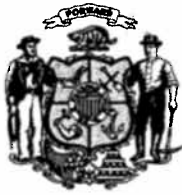
Library (608-266-7040)

Legal (608-266-3561)

LRB

8/25 2:00

Andrea @ Rep. Smith
- wants 09-0023 in introducitbe form



State of Wisconsin
2009 - 2010 LEGISLATURE

11
LRB-0023/P3
EVM:bjk:jf

stays

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 8/26/09

SA

regen.

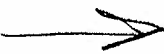
- 1 AN ACT *to amend* 346.95 (2); and *to create* 346.89 (3) of the statutes; **relating**
- 2 **to:** driving a motor vehicle while using a wireless telecommunications device
- 3 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits inattentive driving, which means that a driver of a motor vehicle may not be so engaged or occupied as to interfere with the safe driving of the vehicle. Any person convicted of inattentive driving may be required to forfeit not less than \$20 nor more than \$400.

This bill prohibits a person from using a wireless telecommunications device while driving. A "wireless telecommunications device" is defined as any cellular telephone two-way radio or citizens band radio, personal digital assistant, or other device while being used by the device's operator to transmit verbal communications, electronic mail, text messages, or any other electronic communication to one or more persons not physically present with the device's operator, but does not include any global positioning system device installed in or on a vehicle.

An exception is provided for a person who uses a wireless telecommunications device that allows the person to talk and listen without holding the device or any handset or receiver and the person does not hold or touch any device or handset or receiver while driving the motor vehicle. This exception does not apply to a person who holds a probationary license or an instruction permit and who is under 18 years of age. Exceptions to the prohibition are also provided for use of a wireless telecommunications device in response to an emergency or by an operator of an



the

any

authorized emergency vehicle. A person found guilty of violating this provision may be required to forfeit not less than \$20 nor more than \$400.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 346.89 (3) of the statutes is created to read:

2 346.89 (3) (a) In this subsection:

3 1. "Drive" has the meaning given in s. 343.305 (1) (b).

4 2. "Wireless telecommunications device" means any cellular telephone,
5 two-way radio or citizens band radio, personal digital assistant, or other device while
6 being used by the device's operator to transmit verbal communications, electronic
7 mail, text messages, or any other electronic communication to one or more persons
8 not physically present with the device's operator, but does not include any global
9 positioning system device installed in or on a vehicle.

10 (b) No person may drive a motor vehicle while using a wireless
11 telecommunications device unless any of the following applies:

12 1. The person is using a wireless telecommunications device that allows the
13 person to talk and listen without holding the device or any handset or receiver and
14 the person does not hold or touch ^{THE} any ^{ANY} device or handset or receiver while driving the
15 motor vehicle. This subdivision does not apply to a person who holds a probationary
16 license issued under s. 343.085 or an instruction permit issued under s. 343.07 and
17 who is under 18 years of age.

18 2. The person is using the wireless telecommunications device in response to
19 an emergency.

20 3. The person using the wireless telecommunications device is an operator of
21 an authorized emergency vehicle.

Parisi, Lori

From: Wahl, Andrea
Sent: Tuesday, September 15, 2009 4:35 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-0023/1 Topic: Use of cell phone and text messaging while driving

Please Jacket LRB 09-0023/1 for the ASSEMBLY.